

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.
YASMANY ULACIA GARCIA and
LUIS ERNESTO VIGIL OCHOA

Case No. 1:22-mj-736

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 12, 2022 in the county of (various) in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 USC 1029(a)(8)

Fraud and related activity in connection with access devices

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Richard Naltner

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/09/2022

City and state: Cincinnati, Ohio


Karen L. Litkovitz
United States Magistrate Judge



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES

v.

YASMANY ULACIA GARCIA and
LUIS ERNESTO VIGIL OCHOA

Case No. 1:22-mj-736

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Richard Naltner, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a complaint and an application for a warrant to arrest YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA.

2. I am a Special Agent with the U.S. Secret Service (USSS) and have been since April 2007. I am currently assigned to the Cincinnati Field Office. Previous assignments include the Detroit Field Office and the Vice Presidential Protective Division. As part of my training with USSS, I graduated from the Federal Law Enforcement Training Center Criminal Investigator Training Program and the U.S. Secret Service James J. Rowley Training Center. My responsibilities include financial crimes investigations, bank fraud, counterfeit, and other violations with a nexus to the U.S. Secret Service. I have also received training in basic investigations and advanced interviewing techniques. During my tenure as a Special Agent, I have led several cases involving searches and seizures, and resulting in arrests of persons in connection with various federal crimes, including financial crimes. Throughout my tenure I have conducted criminal investigations, interviewed victims, witnesses, and suspects, and have seen criminal cases completed through the judicial process.

3. This affidavit is based on my own investigation, my review of reports prepared by other law enforcement officers and agents, and interview of witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE TO BELIEVE A CRIME WAS COMMITTED

Gas Pump Skimmer in Loveland, Ohio in April 2022 (18 U.S.C. § 1029(a)(8))

4. Surveillance video from the Mobil gas station in Loveland, Ohio on April 12, 2022 around 11:10 PM, when the station was closed and pumps were not operating, shows a Jeep Grand Cherokee pull into the station. Two males can be seen exiting the Jeep and apparently tampering with pumps #1 and #3 for about 5 to 6 minutes at each pump, for a total of about 11 minutes. As explained below, further investigation revealed that these two males were YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA. It appears that they were placing skimmers on pumps #1 and #3. A skimmer is a device that can read credit card data.

5. Surveillance video from the same gas station on April 26, 2022 during normal business hours shows a black Hyundai Elantra (Florida license plate DDP3699) pull up to pump #4, which is adjacent to pump #3 where a skimmer was installed two weeks earlier as described above. No one exits the car. About two minutes later, the car moves to pump #1, where a skimmer was also installed two weeks earlier. After spending about two minutes at pump #1, the car leaves the gas station. I know from my training and experience that when perpetrators place skimmers on gas pumps, they typically return days or weeks later to wirelessly download victims' credit card data from the skimmers. The following photo shows the car black Hyundai at the gas station on April 26, 2022:



6. The next day, April 27, 2022, video surveillance from the Home Depot in Mason (about five miles from the gas station) shows what appears to be the same black Hyundai in the parking lot:



7. Surveillance video inside the same Home Depot store within a few minutes of the exterior video of the black Hyundai shows YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA at the self-checkout for approximately five minutes making multiple transactions. Home Depot video also shows YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA walking first to the gift card display, then going to the cash registers to purchase gift cards.

8. Surveillance video from the following stores shows the same basic pattern of behavior, in which YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA enter the stores and spend a significant amount of time at the self-checkout cash registers, buying gift cards and/or other merchandise:

- Home Depot in Hamilton, Ohio (April 27, 2022);
- Home Depot in Lebanon, Ohio (April 27, 2022);
- Home Depot in West Chester, Ohio (April 27, 2022);
- Home Depot in Beechmont, Ohio (April 27, 2022);
- Home Depot in Milford, Ohio (April 27, 2022);
- Target in Mason, Ohio (April 27, 2022); and
- Home Depot in Cold Spring, Kentucky (April 28, 2022).



GARCIA at Mason
Home Depot 4-27-22



GARCIA at Cold Spring
Home Depot 4-28-22



GARCIA at Lebanon
Home Depot 4-27-22



GARCIA at Beechmont
Home Depot 4-27-22



GARCIA at Milford
Home Depot 4-27-22



VIGIL OCHOA at Cold Spring
Home Depot 4-28-22



VIGIL OCHOA at Beechmont
Home Depot 4-28-22



VIGIL OCHOA at Hamilton
Home Depot 4-27-22



VIGIL OCHOA at Mason
Home Depot 4-27-22

9. As a result of YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA using victims' credit or debit card numbers to make purchases at Home Depot and Target, some victims began receiving fraud alerts from their banks. Some of these victims complained to local police. On April 29, 2022, a Loveland police officer went to the Mobil gas station and found skimmers installed on pumps #1 and #3. The police officer contacted the Secret Service and launched an investigation that revealed all of the surveillance video described above.

10. On April 30, 2022, YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA were involved in an incident in Tennessee, which resulted in them being booked for public intoxication. The booking photos and police body camera images depict the same two men who are seen in the Home Depot and Target surveillance videos in the Cincinnati area discussed above. Video from the arrest in Tennessee also shows that they were driving the same Hyundai that is seen in the Loveland, Ohio gas station surveillance video.

Arrest in Dayton, Ohio on December 8, 2022

11. On December 8, 2022, law enforcement officers were conducting a surveillance operation in a high crime area located near Miller Lane, Dayton, Ohio.

12. While conducting surveillance, agents learned LUIS ERNESTO VIGIL OCHOA was staying at a Miller Lane hotel. Agents observed him and another male, later identified as YASMANY ULACIA GARCIA, exit room 242 of the Baymont hotel and walk to a new silver GMC Yukon with a Georgia license plate parked in the parking lot of the hotel. Agents conducted a subsequent registration check and learned the vehicle was registered to Enterprise Rental Car. Agents followed the two men as they left in the vehicle.

13. Agents followed LUIS ERNESTO VIGIL OCHOA and YASMANY ULACIA GARCIA to four Home Depot stores and two Target stores, all in the greater Dayton area. The two men entered each store for a few minutes, then left and drove to the next store. Finally, at the Home Depot at 345 North Springboro Pike, Miamisburg, Ohio, agents approached both men prior to entering the store. SA Miller activated his emergency lights and stopped both men as they were still exiting the vehicle. At this time, YASMANY ULACIA GARCIA attempted to throw the bag he was carrying under a vehicle parked next to theirs. Agent Miller, duly marked as a police officer, spoke with both men at their vehicle. Agent Durham recovered the bag YASMANY ULACIA GARCIA attempted to hide under the neighboring vehicle and advised it contained gift cards. SA Miller asked both men to produce whatever gift cards or credit cards they had in their possession. Both men produced numerous gift cards from their pockets and what appeared to be a fraudulent American Express card.

14. Agents conducted a probable cause search of their vehicle for like and similar contraband. Inside the vehicle, Agents located a stack of gift cards in the glove box of the vehicle where YASMANY ULACIA GARCIA was sitting. SA Miller asked LUIS ERNESTO VIGIL OCHOA what would be found if agents were to conduct a search of his hotel room on Miller Lane. LUIS ERNESTO VIGIL OCHOA stated nothing was there and he would grant agents consent to

search. LUIS ERNESTO VIGIL OCHOA asked to call his wife first to advise her of the situation. Agents gave him his phone to call his wife. After the phone call, the two men agreed to ride with agents to their hotel and grant consent to search. At no time was either man handcuffed or placed under arrest.

15. Upon arrival at the hotel, SA Miller asked LUIS ERNESTO VIGIL OCHOA for consent to search his hotel room in Spanish via Google Translate and in English. LUIS ERNESTO VIGIL OCHOA granted consent and gave agents the key for the door. Agents cleared the hotel for person(s) and no one was located. During the search, agents located two suitcases, one on each of the two queen beds. LUIS ERNESTO VIGIL OCHOA stated the one closest to the door was his and the one closest to the bathroom was YASMANY ULACIA GARCIA's. However, LUIS ERNESTO VIGIL OCHOA indicated to the agents that the night prior he stayed with his wife at another address in Dayton.

16. Inside LUIS ERNESTO VIGIL OCHOA's suitcase, agents located a few gift cards, credit cards, a magnetic strip reader/writer, an Apple square magnetic stripe reader, and an illicit skimming device. Inside YASMANY ULACIA GARCIA's suitcase, agents located a laptop and power cable. All items were seized as evidence.

17. LUIS ERNESTO VIGIL OCHOA and YASMANY ULACIA GARCIA were arrested on December 8, 2022 and booked into the Montgomery County jail.

18. According to records from U.S. Immigration and Customs Enforcement, both LUIS ERNESTO VIGIL OCHOA and YASMANY ULACIA GARCIA are Cuban nationals who were ordered removed from the United States to Cuba in 2019.

CONCLUSION

I respectfully submit that this affidavit supports probable cause that YASMANY ULACIA GARCIA and LUIS ERNESTO VIGIL OCHOA violated 18 U.S.C. § 1029(a)(8) on or about April 12, 2022.



Special Agent Richard Naltner
U.S. Secret Service

Subscribed and sworn to before me on December 9, 2022



Karen L. Litkovitz
United States Magistrate Judge

